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10/081,132

02/21/2002

Michael R. Bloomberg

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8536

29858

7590

06/13/2007

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EXAMINER

WEST, LEWIS G

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/081,132

Applicant(s)

BLOOMBERG ET AL.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Arguments***

Applicant's arguments filed May 14, 2007 have been fully considered but they are not persuasive.

While the applicant has considered the board's decision in formulating the amended and new claims, the board did not set forth exemplary language or indicate allowable subject matter. The revised claim language, which did change the scope of claims 1 and 3, now requires that there be voice communications and separately and distinctly non-voice communications, and this is found in Olshansky, which sets forth both the use of voice and the use of either e-mail or facsimile which do not rely on voice communication. Therefore Olshansky does still read on the claim language, the applied art having been upheld by the board as analogous and combinable.

The newly added claims, 21 and 22, are not patentably distinct as the boards ruled that the position that "communication is available for each computer terminal for which a finger-image was authenticated" still applies. If one device may be authenticated and communication occur, then it can clearly communicate with another device. Applicant's specification does not provide for specific exclusion of communication with other telecommunications device not authenticated, so the claim language cannot be interpreted as such in accordance with the specification, as this would then be new matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over OLSHANSKY (US 6,493,437 B1) in view of TRANDAL et al (US 2003/0081752 A1) and PATEL (US 2002/0174345 A1).

Regarding claim 1 and 22, OLSHANSKY discloses a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function (e-mail and fax, which do not depend on voice communications, see col. 7 lines 31-41) and voice communication over the network, comprising: authenticating means; means responsive to the authenticating means for enabling the computer terminal in the network to access or otherwise participate in the performance of at least one network-related function and voice communication over the network at least from each computer terminal which was authenticated (column 3 lines 1-28 and column 5 lines 11-55). However, OLSHANSKY does not disclose a telephone handset including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication; and a finger image sensor coupled to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal. TRANDAL et al discloses a telephone handset (140 of figure 1) including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraph 37). PATEL discloses a finger image sensor coupled to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor

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based on the finger-image-related signals provided to that computer terminal (figure 9 and paragraphs 92-98 and 12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of OLSHANSKY, TRANDAL et al and PATEL. OLSHANSKY is silent as to the means to the structure of the means to send and receive voice via the computer. TRANDAL et al discloses a prior art means by which to send and receive voice via the computer. PATEL's finger image authentication enhances OLSHANSKY's teaching by proving a greater degree of security in the authentication.

Regarding claim 2 and 21, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses the enabling means enables voice communication to and from only each terminal for which a sensed finger-image was authenticated (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 3, OLSHANSKY discloses a system for enabling use of a computer terminal in a network to access or otherwise participate in at least one network-related function (e-mail and fax, which do not depend on voice communications, see col. 7 lines 31-41) and voice communication between computer terminals in the network, comprising: a plurality of computer terminals in the network; authenticating means; means responsive to the authenticating means for enabling the computer terminal that was authenticated to access or otherwise participate in the performance of at least one network-related function and voice communications over the network (column 3 lines 1-28 and column 5 lines 11-55). However, OLSHANSKY does not disclose a microphone and a speaker coupled to each of the plurality of computer terminals to provide signals to and receive signals from the computer terminal for voice communication; and a finger image sensor at least to provide signals to the computer terminal relating to a finger-

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image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal. RANDAL et al discloses a telephone handset (140 of figure 1) including a microphone and speaker coupled to provide signals to and receive signals from the computer terminal for voice communication (paragraph 37). PATEL discloses a finger image sensor coupled to at least to provide signals to the computer terminal relating to a finger-image sensed by the finger-image sensor; means for electronically authenticating a finger-image sensed by a finger-image sensor based on the finger-image-related signals provided to that computer terminal (figure 9 and paragraphs 92-98 and 12). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of OLSHANSKY, RANDAL et al and PATEL. OLSHANSKY is silent as to the means to the structure of the means to send and receive voice via the computer. RANDAL et al discloses a prior art means by which to send and receive voice via the computer. PATEL's finger image authentication enhances OLSHANSKY's teaching by providing a greater degree of security in the authentication.

Regarding claim 4, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that at least one of the computer terminals includes the means for authenticating (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 5, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses comprising a computer in the network, other than the computer terminals, that include the means for authenticating (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 6, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that at least one of the computer terminals includes the means responsive to the authenticating means (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 7, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that at least one of the computer terminals includes the means responsive to the authenticating means (column 3 lines 1-28 and column 5 lines 11-55).

Regarding claim 8, see the parent claim for the subject matter this claim depends from. OLSHANSKY further discloses that the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal (figure 3). In the alternative, TRANDAL et al further discloses that the handset is keypadless and each computer terminal includes a computer input device by which information for accessing or otherwise participating in voice communications over the network is input to the computer terminal (figure 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lewis G. West  
Primary Examiner  
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